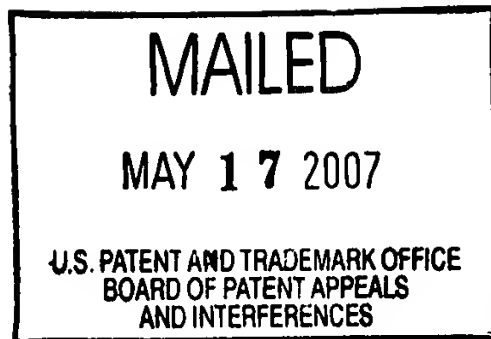


The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE



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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte DANIEL R. PEARSON, DAVID A. KUMPF  
and GLENN G. CARCIDO

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Application 09/680,069  
Appeal No. 2007-0940

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ORDER REMANDING APPEAL TO EXAMINER

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This application was electronically received at the Board of Patent Appeals and Interferences on January 7, 2007. A docketing notice was mailed and Appeal No. 2007-0940 was assigned on February 1, 2007. A review of the application has revealed that the application was not ready for an appeal. Accordingly, the application is herewith being remanded to the Examiner. The matter requiring attention is identified below.

Application 09/680,069  
Appeal No. 2007-0940


On January 27, 2006, an Examiner's Answer was mailed. The Examiner's Answer included a new ground of rejection. However, when a new ground of rejection is introduced in the Examiner's Answer, the Examiner is required to obtain approval of the Technology Center Director or his/her designee. See MPEP § 1207.02.

Accordingly, it is

**ORDERED** that the application is remanded to the examiner for:

- 1) vacating the Examiner's Answer mailed January 27, 2006, issuing a revised Examiner's Answer to include the approval of the Technology Center Director or his/her designee; and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:   
PATRICK J. NOLAN  
Deputy Chief Appeals Administrator  
(571) 272-9797

PJN/gjh

Application 09/680,069  
Appeal No. 2007-0940

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